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SENATE

{ REPORT
No. 1267

FOR THE EXCHANGE OF LANDS IN MONTANA

FEBRUARY 26 (calendar day, MARCH 3), 1925.—Ordered to be printed

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, submitted the following

REPORT

[To accompany S. 582]

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 582) for the exchange of lands adjacent to national forests in Montana, having considered the same, report thereon favorably with the following amendment and recommend it do pass.

Line 7, after the word "boundary," insert the following:

Provided, That privately owned lands within 6 miles of national forest boundaries in Montana may be exchanged for Government land or timber within the national forests of that State.

The recommendations of the Department of the Interior and the Department of Agriculture are indicated by the reports submitted by them, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 21, 1924.

HON. IRVINE L. LENROOT,
Chairman Committee on Public Lands and Surveys,
United States Senate.

DEAR SENATOR: Reference is made to your request of December 22 for a report upon the bill (S. 582) for the exchange of lands adjacent to national forests in Montana.

If enacted this bill would extend the provisions of the act of March 20, 1922 (42 Stat. 465), known as the general forest exchange law, so that the Government could accept title to lands offered in exchange under that act, provided those lands were within 6 miles of a national forest boundary. In exchange for those lands, the Government could give not to exceed an equal value of national forest lands or timber within a national forest in the State of Montana. It would not authorize placing under national forest administration any of the unappropriated public lands within the 6-mile strip. Upon acceptance of title, the privately-owned lands would become parts of the national forest nearest to which they are situated. Under this bill the Government could acquire only such lands as are chiefly valuable for forestry purposes, and it could not acquire lands chiefly valuable for agriculture, grazing homesteads, or uses of a kindred nature.

While the records in the Forest Service are not kept to show character of lands outside of the national forests, it is known that adjoining the boundaries in many places there are tracts of lands in private ownership which were acquired by the

owners under the homestead and timber and stone laws prior to the time the national forest boundaries were established. Some of them are essentially forest-producing lands. They are of such general character and are so situated as to form parts of natural units for forest administration. Quite frequently in their unprotected state they present a menace to the lands owned by the Government and increase the cost of protecting the Government lands from fire. The consolidation of these areas under Government administration would materially reduce the danger from fire and would simplify many problems of administration. It is known that there are many instances throughout the State where the private owners would be glad to avail themselves of the provisions of this measure, and where public interests would be benefited through such exchanges.

Since the bill as now worded would provide the department with adequate authority to consummate many exchanges advantageous both to the Government and to the private owners, it is recommended that it be enacted.

Very truly yours,

HENRY C. WALLACE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1924.

HON. IRVINE L. LENROOT,
*Chairman Committee on Public Lands and Surveys,
United States Senate.*

MY DEAR SENATOR LENROOT: I am in receipt of your request for report on S. 582, to authorize exchange of lands adjacent to national forests in Montana.

The measure would permit such exchange by extending the provisions of the national forest consolidation law of March 20, 1922 (42 Stat. 465), over those areas in Montana within 6 miles of a national forest boundary. Under its provisions lands in private ownership within such areas or within the boundaries of a national forest in Montana found by the Secretary of Agriculture to be chiefly valuable for forest purposes may be exchanged for an equal value of timber, or surveyed nonmineral lands, located either within any national forest in the State or the 6-mile areas, and the public lands within such areas affected by exchange applications would be withheld from disposition after the filing of the application in the Land Department until the consummation of the exchanges authorized. There is a great demand for homestead lands, and the area of public land in Montana is being rapidly diminished, and the bill might remove from disposition under the various public land laws, especially the homestead laws, a large amount of public land now available.

There are now 17 national forests in the State of Montana, containing, according to the estimates of the Forest Service on June 30, 1923, a total area of 18,839,793 acres, 2,958,078 acres thereof being in private ownership or possession. I submit herewith a map of Montana showing the approximate boundary of the 6-mile areas described in the bill; and while no calculation has been attempted, it is estimated that the acreage within such areas would amount to 50 per cent of the gross national-forest area, or over 9,000,000 acres, and that the privately owned and public lands therein would be about equally divided. There is probably little or no publicly owned timbered land within the described areas, except where they invade existing Indian reservations or national parks. The remaining public lands in Montana are largely grazing land, and the public lands within the described areas are therefore generally of that character, with a small percentage of other agricultural, timbered, or mineral lands. Upon the basis of equal value, great blocks of these grazing lands could be selected under the terms of the bill in exchange for small but valuable reconveyed timbered tracts.

By far the greater portion of the land within national forests in Montana, and the 6-mile areas adjoining such reservations, is within the place and indemnity limits of the grant to the Northern Pacific Railroad Co. under the act of July 2, 1864 (13 Stat. 365), and the lands within the place limits have chiefly passed to the company, where not classified as mineral, together with a considerable area within the indemnity limits.

In its present form I can not recommend the enactment of the bill, but if amended so as to provide that privately owned lands within 6 miles of national-forest boundaries in Montana may be exchanged for Government land or timber within the national forests of that State no objection will be interposed.

Very truly yours,

HUBERT WORK.